

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

<b>HOLLY IVANITCH</b>	<b>:</b>	
	<b>:</b>	
<b>Plaintiff</b>	<b>:</b>	<b>CIVIL ACTION NO. 3:18-2424</b>
	<b>:</b>	
<b>v.</b>	<b>:</b>	<b>(JUDGE MANNION)</b>
	<b>:</b>	
<b>TOYS R' US</b>	<b>:</b>	
	<b>:</b>	
<b>Defendant</b>	<b>:</b>	

**ORDER**

Presently before the court is the report and recommendation of Magistrate William I. Arbuckle ("Report") ([Doc. 7](#)), which recommends that the plaintiff Holly Ivanitch's ("Ivanitch") amended complaint ([Doc. 6](#)) be dismissed and that Ivanitch be granted leave to file an amended complaint. No objections have been filed to the Report. Based on the court's review of the record in this matter, the Report is adopted in its entirety; Ivanitch's amended complaint ([Doc. 6](#)) is dismissed, and Ivanitch is granted leave to file a second amended complaint.

When no objections are made to the report and recommendation of a magistrate judge, the court should, as a matter of good practice, "satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." [Fed.R.Civ.P. 72\(b\)](#); advisory committee notes; see *a/so*

*Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F.Supp.2d 465, 469 (M.D.Pa. 2010) (citing *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every report and recommendation)). Nevertheless, whether timely objections are made or not, the district court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. §636(b)(1); M.D.Pa. L.R. 72.31.

On December 21, 2018, Ivanitch filed a complaint against Toys R' Us alleging discrimination. (Doc. 1). On December 28, 2018, Judge Arbuckle issued an order dismissing Ivanitch's complaint (Doc. 1) for failing to state a claim upon which relief could be granted, and affording her "an opportunity to cure the deficiencies noted" in his order through an amended complaint. (Doc. 5). On January 31, 2019, Ivanitch filed an amended complaint. (Doc. 6). Then, on April 17, 2019, Judge Arbuckle issued the present Report recommending that Ivanitch's amended complaint (Doc. 6) be dismissed, and that she be afforded another opportunity to amend her complaint again. (Doc. 7).

The court agrees with Judge Arbuckle that Ivanitch's amended complaint (Doc. 6) "provides no further details in response to [Judge Arbuckle's] Order. [Ivanitch] merely offers a conclusive statement about

[Toys R' Us'] conduct.” ([Doc. 7](#), at 6). Without more specific details, Ivanitch has failed to state a claim upon which relief can be granted; and therefore, her amended complaint must be dismissed.

The court has reviewed the entire Report of Judge Arbuckle and agrees with the sound reasoning, which led him to his recommendation. As such, the court adopts the Report of Judge Arbuckle as the opinion of the court.

**NOW, THEREFORE, IT IS HEREBY ORDERED THAT:**

- (1)** The Report of Judge Arbuckle ([Doc. 7](#)) is **ADOPTED IN ITS ENTIRETY**;
- (2)** Ivanitch’s amended complaint ([Doc. 6](#)) is **DISMISSED**;
- (3)** Ivanitch is granted leave to file a second amended complaint on or before **May 22, 2019**; and
- (4)** This case is **REMANDED** to Judge Arbuckle for further proceedings.

s/ Malachy E. Mannion

**MALACHY E. MANNION**  
**United States District Judge**

**DATE: May 8, 2019**

18-2424-01